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REVIEWS AND BOOK NOTICES.

Prohibitives in Silver Latin. By WILLARD K. CLEMENT. Re-print from A. J. P., vol. XXI 2. 1900.

I did not suppose that I could be tempted into writing anything more on the subject of the Latin Prohibitive, but Professor Clement's method of criticism is so unusual, and his comments would be so utterly misleading to the casual reader, that I must, in justice to myself, say one word more. It is unfortunate that Clement did not devote greater care to the preparation of his article, as he has undoubtedly collected much valuable material. In its present form, however, the article is, in most respects, quite without value, so far as its criticism of my own views is concerned, on account of its numerous inaccuracies and its utter lack of discrimination between relevant and irrelevant matter.

In my articles on the Latin Prohibitive I made the claim that, *prior to the time of Livy*, the perfect tense in prohibitions differed from the present in being a more energetic form of expression. Clement's method of combating this claim is to cite some instances *from Silver Latin* which he does not think in harmony with it. One might as well try to refute the grammar-rule that *quamquam* takes the indicative in classical prose by citing from Silver Latin the numerous instances of the subjunctive.

Whatever might have been shown to be the usage of Silver Latin, my claim as to earlier times would have remained quite unaffected. However, after examining such of Clement's statistics as really have a bearing upon my theory, I am now quite ready to assert, as I could not have done when I wrote my Latin Prohibitive, that the claim I made for earlier times holds also, in all its essential features, for Silver Latin, and to treat Clement's article as though my claim had originally been framed in such a way as to cover the latter period also.

The distinction I made between the two tenses was made solely with reference to independent prohibitions introduced by *ne* (*neve*) and *cave*. In attempting to prove false this distinction, Clement cites a curious mixture of subordinate clauses, undoubted contingent-future ('potential') subjunctives, mere conjectural readings, and subjunctives with *nec*, *minime*, *nullus*, *nemo*, *nihil*, *numquam*, *non*, and *vide*. When Clement professes to discuss a certain claim of mine, I surely have a right to insist that he shall take that claim as it stands, without any additions or modifications. In that part of the Latin Prohibitive which prompted Clement's

paper, not a word was said by me regarding the subjunctive uses with *nec*, *nihil*, *numquam*, etc., except an emphatic statement to the effect that they lay entirely outside of my theory and had characteristics very different from those of the instances I was going to discuss. What possible objection can Clement have to doing in reality what he professes to be doing? What possible objection can he have to separating (at least temporarily, for the purpose of testing my claim), in his discussion as he does in his headings, the instances of *ne* (*neve*) and *cave* from those of *nec*, *nihil*, *numquam*, etc.? Such a separation could not by any possibility affect his discussion or his conclusions in any way detrimental to the truth. If the instances with the latter words present the same general characteristics as those with the former, then his conclusions would not be affected at all by the fact that he had temporarily separated the two sorts of instances. On the other hand, if the two classes of instances are found to show important differences in usage (differences that can not be accounted for by mere chance), then surely it would be quite inexcusable in any one not to recognize the justice of treating the two sorts of clauses separately. In either case, then, such a method of procedure as I suggest would have been perfectly fair to Clement's side of the case, and it would have had the additional advantage of being fair to mine.

In the following discussion I will confine myself, as I did in my original article, exclusively to the instances of *ne* (*neve*) and *cave*. Clement cites 25 such instances of the perfect tense (pp. 156 ff.). Of these 25 instances, he admits at the outset that 17 are in accord with the distinction I made. At first he classifies all of the remaining 8 instances as being not in accord with my theory; but a little later he decides (pp. 164-5) that 5 of these 8 instances are not necessarily against it, after all. In other words, he finds, according to his own admission, only 3, out of a total of 25 instances, which he considers as distinctly opposed to my theory that the perfect tense indicates energetic utterance, prompted by alarm due to fear that the prohibited act will be performed. Let us examine these 3 alleged exceptions:

Phaedr. App. 26, 3 *ne timueris*. Just as I was on the point of admitting that this is a clear violation of my theory, I discovered that *ne timueris* is merely one of several conjectures, and has not the slightest authority of any kind whatever. All the other conjectures have the present tense, which would be in complete accord with my theory.

Tac. Ann. VI 8 *ne ultimum Seiani diem, sed sedecim annos cogitaveritis*. Here I fear that Clement neglected to read the context. Failure to heed this prohibition will inevitably result in the speaker's condemnation and death. The speaker is on trial, charged with being a friend and accomplice of Sejanus. He says, in effect, to his judges: 'Do not think of

me as intimate with Sejanus on his last day, and for that reason condemn me as implicated in his crimes; but think of me rather as his friend of former years, when all men were proud to claim Sejanus as their friend.'

Mart. II 68, 3. If this prohibition is not complied with, the speaker's former *rex* and *dominus* will call him insolent, an act which might or might not prompt energetic prohibition, according to the speaker's feelings regarding it.

These are the 3 instances upon which Clement depends for the refutation of my claim that the perfect tense with *ne* (*neve*) and *cave* indicates energetic utterance! Surely, further comment is unnecessary on this part of his paper.

The most unfortunate part of Clement's discussion is his treatment of the present subjunctive. He has here classified his instances in a hit-or-miss way, sometimes apparently without even so much as testing a given expression to see whether it can be construed as a prohibition or not. He has included in his list of prohibitions instances which no amount of violence could distort into prohibitions. This statement may be verified by a mere glance at pages 161 and 163, for example, where instances of *nec possis* are repeatedly cited as prohibitions. Who ever heard of such a prohibition as 'And do not be able' (as though 'being able' were something that could be ordered or prohibited)? Similarly *nec adsequare*, cited (p. 163) from Tac. Ann. 6, 8, is not a prohibition and is not regarded as such by any editor or commentator. Again, cases of the subjunctive introduced by *neque enim* are classed by Clement as prohibitions. They have, of course, the same modal force as that illustrated in *nec enim numeraverim* (Cic. Brut. 47, 173), *neque enim fugerim* (de orat. III 38, 153), etc. *Neque enim* is confined to explanatory and illustrative statements, and is not used with a prohibitive subjunctive for the same reason that it is not used with the imperative mood.

Further evidence of inexcusable carelessness will be noticed in Clement's free intermixture of subordinate clauses (*oro ne facias*, etc.) with prohibitions proper. If Clement read my own discussion as carefully as he ought to have done before attempting to criticise me, he must have noticed that I said on pp. 135 (3) and 149 (17) of The Latin Prohibitive that clauses of the type *oro ne facias* were, as a matter of course, excluded from my discussion (with the exception of some four or five instances in which an accompanying imperative, the order of words, or some other consideration made it probable that the *ne*-clause was independent), and that I had not even attempted to collect the very numerous instances of this use. And if he did notice this, I am surprised that it did not seem to him quite unjust to me to cite against me all the numerous instances of such a usage in Silver Latin, and thus to give the impression that they belong to the phenomena

that I myself discussed. In discussing the distinction between tenses in prohibitions, the type of expression represented by *oro ne facias* should not enter into consideration, for the reason that one can never say that the *ne*-clause is not a subordinate clause. Indeed, all such clauses in Cicero (and he is full of them) have almost uniformly been regarded as subordinate. If a single one of them could be positively proved to be independent, the theory that *ne* with the present subjunctive in prohibitions is foreign to Ciceronian prose (except when addressed to an indefinite second person) would be dead without further discussion. It is a grammatical commonplace that, in the process of subordination, distinctions observed in independent clauses are very frequently obliterated. Such an obliteration of tense-distinctions has occurred in the type *oro ne facias*. Many such instances of the present in Cicero are full of emotion and involve acts that are regarded with great alarm. But what has all this to do with my distinction between tenses? The perfect tense is, as far as I am aware, quite unknown in clauses of this type, with the exception of a few cases in early Latin, where they may have been felt as *quasi*-independent clauses.

It may be that the levelling influences of subordination are discernible even in the *cave*-constructions. At any rate, *cave* was used in early Latin with both tenses. But before the time of Cicero, the use of the perfect tense with *cave* had practically disappeared. The only instances I know of after Terence are Hor. Sat. 2, 3, 38 and Curt. Ruf. 5, 2, 21.

The subordinate clauses which must be excluded from Clement's collection of instances are the following: Phaedr. App. 26, 3-4; Curt. Ruf. 6, 3, 12 ('I say this, lest, etc.');

9, 2, 28; Il. Lat. 330; 724; Apul. Met. 22 (19, 3); 8, 8 (169, 24-26; this is of course a clause of proviso introduced, as frequently, by *modo* (= *dummodo*)); Dracont. 5, 276 ('lest');

Sil. Ital. 17, 367 (*oro* occasionally takes subjunctive without *ut* at all periods); Incert. (Baehrens 3, p. 273). Most of the remaining instances of *ne* and *cave* with the present, that are cited against me by Clement, support my theory so conspicuously that I can not account for his classification of them except by supposing that, through some oversight, they got into the wrong column. Certainly no one could seriously regard the acts prohibited by them as being of an alarming character that would in any way be likely to call forth vigorous utterance. That each reader may convince himself of the truth of this statement, I cite below all the instances of *ne* (*neve*) and *cave* with the present, adding after each reference the result that will follow a failure to comply with the prohibition. It will be seen that the result in the following instances will never be disastrous:

Pers. 3, 96: the speaker's life will or may be saved by his friend's insisting that he shall care for his illness.

- Pers. 5, 170: Chaerestratus will attempt to free himself from a disreputable life (see Gildersleeve's translation of lines 161-175).
- Stat. Theb. 3, 241 *neu me temptare precando certetis*: the speaker will have a request addressed to him (*ne pugnate* is the usual reading earlier in the verse, and is probably correct).
- Stat. Silv. 4, 9, 55: a friend, having received some of the speaker's verses, will send some of his own in reply (in a spirit of fun).
- Mart. 11, 55, 2: Urbicus will have an own child to inherit his property rather than a scheming pretended friend.
- Pseud.-Quint. 201, 9: the speaker himself indicates the insignificant result of non-compliance, by the following *ne videaris*, etc.
- Vespa 62: the speaker, a cook, will lose a debate on the relative merits of his own calling as compared with that of a baker.
- Auson. 296, 83: } no one will ever so much as know
 Sen. Troad. 553 (562): } whether these prohibitions are com-
 plied with or not.
- Apul. 7, 5 (146, 3): the speaker will not be recognized as the famous robber he claims to be.
- Curt. Ruf. 4, 1, 22 (reading uncertain): the person addressed will forget that he was once poor.
- Curt. Ruf. 4, 10, 26: the person addressed will spare the speaker's feelings so far as possible in narrating what has happened.
- Apul. 2, 10 (30, 6): a mere jest, disregarded (and meant to be disregarded) alike by the speaker and the person addressed (to the ecstatic happiness of both of them).
- Auson., p. 301, l. 190 (Peiper): the speaker will be blamed, but he considers such blame of too little account to cause any change in his manner of living.

It should be remembered that the cases above cited are *only those that are, according to Clement, least favorable to my theory*. I am passing by unnoticed the much larger number of those that are admitted by Clement himself to support the theory. It will be seen, then, that out of the total of 63 instances of *ne* (*neve*) and *cave* with the present subjunctive, cited by Clement, there remain only 7 in which the result would be disastrous, if the prohibition were not to be heeded. One of these—Baehrens 3, p. 300 (*ne referas*)—can hardly be regarded as having any weight, as this is a perfectly formal prayer of the cheeriest kind. The assurance of safety and divine favor breathes through the entire prayer. There is therefore nothing to call forth energetic utterance. In the remaining 6 instances (Avian. 9, 23; Dracont. 5, 273; Stat. Theb. 3, 665; 6, 893; Mart. 6, 78, 3; Curt. 7, 8, 28) the acts prohibited are of such a character as naturally to call forth energetic utterance. But two of these are instances of *cave*, and can therefore hardly have as much weight as similar instances in Plautus, as the perfect with *cave* had, generally speaking, long

since gone out of use (see above). Our examination of the present tense has, then, resulted in showing that over 90 per cent. (93 per cent.?) of the instances (57 (59?) out of a total of 63) are in perfect accord with my theory. Of the 6 (4?) exceptions it is enough to say that, when a man is alarmed at a threatening danger he does not always use the most energetic expression that a language affords.

On p. 165 Clement takes "at random" numerous examples of the present tense and states what the disastrous results would be in case of a failure to comply with the prohibition. An examination of the passages referred to (one has to search for them, as citations are omitted) will disclose the fact (a surprising one, no doubt, to Clement) that only 3 of them belong to the phenomena under discussion (i. e. are introduced by *ne* (*neve*) or *cave*; and of these 3 instances, one (Stat. Theb. 3, 241) assumes as correct an uncertain reading (*ne pugnare*) that *is rejected by nearly all editors*, and in another (Curt. Ruf. 4, 10, 26 *cave auribus parcas*) a failure to comply would be quite the opposite of disastrous. In other words, he cites against me only one instance (Mart. 6, 78, 3 *bibas cave*) out of a total of 63 instances, and this is with *cave*, which, as seen above, had before the time of Martial come to be used only with the present tense. And still Clement apparently thinks that he is making out a strong case against my theory!

It is, I hope, clear from the above discussion that the distinction I drew for classical times between *ne feceris* and *ne facias* still holds perfectly good (with rare exceptions) in Silver Latin. Whether a similar distinction will hold good for the genuine prohibitions with *neque* (*nec*), *nihil*, *numquam*, *nullus*, *minime*, etc., I can not say. Whether it will or not, is immaterial to the justification of my claim, and I have not therefore examined this part of Clement's collection with this point in view. If it should break down when applied to these instances, this would be a very remarkable fact, and suggestions of the reason for such a state of things would then be in order. The conditions of the problem in this period are very different from those confronting us in the Golden Age. It is beyond all dispute that *neque* (*nec*), for instance, had in Silver Latin come to be regarded often as an exact equivalent of *neve* (*neu*) and could be used for it at any time and in any sort of clause. But while it is true that the types *nec feceris* and *nec facias* are freely used in Silver Latin as prohibitions, it is also true, and quite as undeniably true, that they are in Silver Latin, just as in earlier times, not infrequently used as expressions of mere contingent futurity. As instances of this latter use may be cited Tac. Germ. 14, 5 *nec tam facile persuaseris quam*, etc. ('nor would you so easily persuade,' etc.); ib. 18, 1 *severa illic matrimonia, nec ullam morum partem magis laudaveris*. In such cases *nec* with the perfect would yield no sense whatever, if treated as a prohibition; such expressions are in modal force exactly like *nec crediderim* (Tibull. III 4, 83), *nec*

facile dixerim (Cic. Brut. 41, 151), *neque reprehenderim* (Cic. orat. 47, 157), etc. Numerous instances might be cited also of *nec* with the present tense where the only interpretation that makes sense is the one that regards the subjunctive as one of contingent futurity, e. g. Mart. 4, 20, 3 *ferre nec hanc possis, Colline*; Stat. Silv. 10, 70, 11 *nec possis*; Tac. Ann. 6, 8 *nec adsequare*; Liv. 35, 16 *nihil aliud profecto dicatis*; and often (see Part II of my 'Studies in Latin Moods and Tenses'). It follows from these facts that, even in Silver Latin, wherever it makes as satisfactory sense to interpret such expressions as *nec putaveris* and *nec dicas* as meaning 'nor would you think,' 'nor would you say,' as it does to interpret them as prohibitions, no one can properly criticise such an interpretation as impossible. I can not see how any one has a right to say that every instance that makes good sense when interpreted as a prohibition *must* be so interpreted, and only those that can not be made to yield good sense when interpreted as prohibitions may be regarded as expressions of contingent futurity. Where either one of these interpretations makes as good sense as the other, it is in Silver Latin difficult to decide how the expressions were felt by the Romans themselves. Possibly the two sorts of expressions had by this time become somewhat confused in the Roman consciousness. Such a supposition would, at any rate, account for the remarkable extension in the use of both *non* and *nec* in Silver Latin and the inroads they are admitted to have made upon the territory of *ne* and *neve*.

In one or two details, the use of *ne* with the perfect in Silver Latin is shown by Clement to differ from that of earlier times, but my own casual observation had convinced me that such differences exist, and I called attention to them in The Latin Prohibitive (p. 326 (49)), a fact, by the way, which Clement forgets to mention. In early times it was never used in deferential address. In Silver Latin, on the other hand, it is used once in addressing the *patres conscripti* and in a few other instances where deferential address would, under ordinary circumstances, be expected. It will be noticed, however, that every such case, without exception (see Clement's own classification), is one in which failure to comply will entail a disastrous result. Even in Tac. Ann. 6, 8 (the only instance not so classified by Clement), failure to comply with the prohibition will result in the speaker's condemnation and death. When a man's life depends upon the non-performance of the act prohibited, as it does here, he can hardly be expected to retain perfect composure and observe all the forms of politeness.

It is true that the proportion of verbs of mental activity among prohibitions expressed by *ne* (*neve*) and the perfect is somewhat larger in Silver Latin than in earlier times. But this fact is not in the least unfavorable to my theory, if only these particular prohibitions are of such a sort that failure to comply with them will lead to disastrous results. And we have already seen that they are, as admitted in nearly all cases by Clement himself.

One other point should be briefly touched upon. On p. 165 Clement refers to passages in which he says the present and perfect tenses occur side by side in a way to show that no difference was felt between the tenses. Even if *ne* with the present and *ne* with the perfect did occur in these passages side by side, I can not see that it would necessarily tend to prove my theory to be false. Why is it necessary to suppose that a man can not prohibit one act with unusual energy, without using the same energy in every other prohibition uttered at about the same time? I should expect that the manner of utterance in each case would ordinarily depend upon the character of the act prohibited, as it appeared to the speaker. However, there is no such instance of the two tenses with *ne* in prohibitions in any of the passages cited by Clement. In Curt. Ruf. 9, 2, 28 and 29 the first *ne*-clause is subordinate (*oro quaesoque ne deseratis*). In Tac. Ann. 6, 8, Clement thinks that *nec adsequere* is an emotional prohibition, and *ne cogitaveritis*, "the reverse." As a matter of fact, *nec adsequere* is not a prohibition at all (see above). On the other hand, *ne cogitaveritis*, as has been shown, is a prohibition of an act which, if performed, would involve as great a disaster as could well be conceived of. None of the other passages cited contains any instance of *ne* or *cave* except Curt. Ruf. 7, 8, 28 f., where *ne credideris* and *cave credas* occur in two neighboring sentences. Attention has already been called to the virtual disappearance of the perfect tense with *cave*.

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ELMER'S TREATMENT OF THE PROHIBITIVE—A REJOINDER.

The editor of the Journal has asked me to reply to Professor Elmer's criticism of my paper, ending the discussion of the prohibitive in these pages. The manner in which Elmer has treated my article makes it possible to discuss his original paper more incisively than the scope of my original investigation permitted.

In his original article (A. J. P. XV 326; 49¹), Elmer said: "My examination of these (i. e. certain Silver Latin) authors leads me to think it probable that the principles I have laid down for classical times will, in the main, hold also for Silver Latin." This inspired my investigation. I made no attempt to prove the incorrectness of Elmer's distinction for the use of the tenses in prohibitions in the period before Livy, but only its incorrectness for the period I was considering.² As Elmer (A. J. P. XX 80, note) commended my "careful examination" of the period when I had spent only a few weeks upon it, instead of the year and a half

¹ The first number gives the page of the original article, the second the same page in the reprint.

² For the usage in Terence, see my paper in C. R. XV 157-159 (April, 1901).